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<u>Amendments to the Drawing Figures</u>:

The attached drawing sheet includes proposed changes to FIG. 3 and replaces the original sheet including FIG. 3. In particular, FIG. 3 is amended to correct the reference numerals so that they will not conflict with the reference numerals in FIG. 2. The specification is amended (see above) to recite the corrected reference numerals of amended FIG. 3.

Attachment: Replacement Sheet.

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REMARKS/DISCUSSION OF ISSUES

By this Amendment, Applicant amends the specification and FIG. 3. Applicant also cancels claims 11, 14-15 and 19 without disclaimer of the underlying subject matter or prejudice against subsequent prosecution. Applicant also amends claims 1, 2, 4 and 7-10, and adds new claims 20-21. Accordingly, claims 1-10, 12-13, 16-18 and 20-21 remain pending in the application.

Reexamination and reconsideration are respectfully requested in view of the following Remarks.

35 U.S.C. § 101

Without acquiescing to or agreeing with the reasoning in the Office Action, in order to advance prosecution of this application, by this Amendment Applicant cancels claim 19 without disclaimer of the underlying subject matter or prejudice against subsequent prosecution.

Accordingly, the rejection under 35 U.S.C. § 101 is deemed to be moot.

35 U.S.C. § 112

The Office Action rejects claims 1-10 under 35 U.S.C. § 112 because of an alleged ambiguity caused by a minor transcription in claim 1.

By this Amendment, Applicant amends claim 1 to correct the minor error regarding the file partition.

Accordingly, Applicant respectfully requests that the rejections of claims 1-10 under 35 U.S.C. § 112 be withdrawn.

35 U.S.C. § 103

The Office Action rejects claims 1-10, 12-13, and 18 under 35 U.S.C. § 103 over Iwaya U.S. Patent 6,330,712 ("Iwaya") in view of Raves et al. U.S. Patent Application Publication 2003/0182500 ("Raves"); and claims 16-17 under 35 U.S.C. § 103 over Miller et al. U.S. Patent 7,120,786 ("Miller") in view of Iwaya.

Applicant respectfully traverses those rejections for at least the following

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reasons.

Claim 1

Among other things, the method of claim 1 includes enabling an image of a master system that includes a non-writable file partition, to automatically self-create an overlay partition.

The Office Action states that Iwaya automatically self-creates an overlay in response to receiving writes directed to a non-writable memory.

Iwaya discloses a system that includes a ROM that stores compressed data, and an EPROM that stores patch data. The EPROM device is physically and logically distinct from the ROM device. Iwaya does not disclose or suggest that any image of any system automatically self-creates any overlay partition.

Raves is only cited for disclosing a partitioned memory with write filtering protections with an operating system image stored in a partition. Indeed, Raves actually discloses a system which creates an image which itself functions as an overlay! Raves does not disclose or suggest that any image of any system automatically self-creates any overlay partition.

So no combination of Iwaya and Raves could ever produce the method of claim 1.

Accordingly, for at least these reasons, Applicant respectfully submits that claim 1 is patentable over the cited art.

Claims 2-10

Claims 2-10 all depend from claim 1 and are deemed patentable for at least the reasons set forth above with respect to claim 1. Furthermore, Applicant respectfully submits that the text cited in the Office Action **very clearly** does not disclose at least the features of claims 2-4 and 8-10.

Claims 12-13

Among other things, the methods of claims 12 and 13 each include configuring a flag in a master system with a setting, where the configured flag is for indicating that an overlay is needed and has not been provided.

Link flags in Iwaya's index table clearly do not "*indicate that an overlay is*

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needed and has not been provided."

So no combination of <u>Iwaya</u> and <u>Raves</u> could ever possibly produce the methods of claims 12 and 13.

The Office Action does not even bother to assert that any combination of <u>Iwaya</u> and <u>Raves</u> would ever **create a clone** of the master system **on a storage of another system** based on the master image. Applicant respectfully submits that clearly no combination of <u>Iwaya</u> and <u>Raves</u> would ever produce a method including such a feature.

So, again, no combination of <u>Iwaya</u> and <u>Raves</u> could ever possible produce the methods of claims 12 and 13.

Accordingly, for at least these reasons, Applicant respectfully submits that claims 12 and 13 are patentable over the cited art.

<u>Claim 18</u>

Although the Office Action states that claim 18 is rejected over <u>Iwaya</u> and <u>Raves</u>, paragraph 23 which supposedly explains the basis for the rejection of claim 18 inexplicably references "Miller" and "Hill."

Applicant respectfully submits that the Office Action fails to fairly put Applicant on notice as the basis and reasons for the rejection of claim 18. In the event that any rejection of claim 18 is maintained, Applicant respectfully requests a non-Final Office Action which clearly and unambiguously explains the basis for its rejection.

Meanwhile, claim 18 is drawn to a storage storing a condensed system image comprising an operating system, where the condensed system image is capable of being exploded to install the operating system on disk drives with different sizes or configurations, and where the operating system is enabled to self-create an overlay partition and write filter when booted.

Contrary to the office Action, <u>Iwaya</u>'s "patch" is not an operating system, decompressing data from <u>Iwaya</u>'s ROM does not install any operating system (and indeed, does not "install" the patch data either!), and <u>Iwaya</u> does not self-create an overlay partition and write filter when booted (<u>Iwaya</u> appears to make no mention of anything being booted).

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Raves does not remedy these shortcomings.

Accordingly, for at least these reasons, Applicant respectfully submits that claim 18 is patentable over the cited art.

Claims 16-17

Among other things, the methods of claims 16 and 17 each include performing a first boot of a target drive, and disabling an overlay for the operating system.

The Office Action does not even bother to assert that any combination of Miller and Iwaya disabling any overlay.

So no combination of Iwaya and Raves could ever possible produce the methods of claims 16 and 17.

Furthermore, link flags in Iwaya's index table clearly do not indicate that an overlay is needed and has not been initialized.

So, again, no combination of Iwaya and Raves could ever possible produce the methods of claims 16 and 17.

Accordingly, for at least these reasons, Applicant respectfully submits that claims 16 and 17 are patentable over the cited art.

NEW CLAIMS 20 AND 21

Among other things, the apparatuses of each of the claims 20 and 21 include a processor configured to execute an algorithm that includes configuring a flag in the master system with a setting, where the configured flag is for indicating that the overlay is needed and has not been provided; after configuring the flag, creating a master image of the master system, where the master image includes the configured flag; and creating a clone of the master system on a storage of another system based on the master image.

Applicant respectfully submits that no combination of the cited references would ever produce a system that includes a processor configured to execute an algorithm having these steps. Therefore, claims 20 and 21 are deemed to be patentable over the cited art.

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<u>CONCLUSION</u>

In view of the foregoing explanations, Applicant respectfully requests that the Examiner reconsider and reexamine the present application, allow claims 1-10, 12-13, 16-18 and 20-21 and pass the application to issue. In the event that there are any outstanding matters remaining in the present application, the Examiner is invited to contact Kenneth D. Springer (Reg. No. 39,843) at (571) 283.0720 to discuss these matters.

Respectfully submitted,

VOLENTINE & WHITT

Date: 15 December 2008   By:
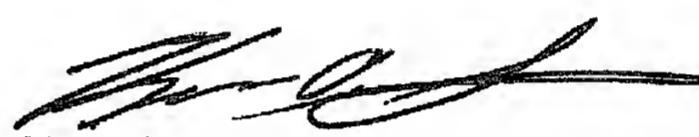
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